

**SEPARATE STATEMENT OF
COMMISSIONER KEVIN J. MARTIN**

Re: Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Education and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands (WT Docket No. 03-66); et al., Report and Order and Further Notice of Proposed Rulemaking.

I am pleased to support this item, which initiates a fundamental restructuring of the Instructional Fixed Service (ITFS), Multipoint Distribution Service (MDS), and Multichannel Multipoint Distribution Service (MMDS) band. Based on broad support from the affected parties, this item provides a home for both high-power and low-power operations and thereby gives users greatly enhanced flexibility. This approach preserves the ability of users to provide traditional video and other services, while also significantly promoting broadband deployment. Indeed, I am optimistic that this spectrum will provide a home for last-mile broadband applications, providing competition to telephone and cable lines. In the end, consumers will benefit from innovative services and lower prices.

I am also particularly pleased that we retained the requirement that ITFS spectrum be held by educational institutions and organizations. Encouraging and supporting education is a crucial value to our society, and that value is reflected in the reservation of spectrum for educational users. While some argue that educational spectrum is currently not being used efficiently, we must remember that this spectrum has been under the cloud of major proposed changes for a number of years. Now that a plan for restructuring the band is in place, we should give educators the opportunity and encouragement to move forward.

